

AN ORDINANCE

REPEALING AND REPLACING CHAPTER 5, "SIGNS" OF THE CITY CODE TO CREATE A NEW CHAPTER 5 AND PROVIDING FOR PENALTIES OF NOT LESS THAN THREE HUNDRED AND FIFTY DOLLARS (\$350.00) NOR MORE THAN TWO THOUSAND DOLLARS (\$2,000.00)

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

1. Chapter 5 "Signs" of the City Code is hereby repealed and replaced with a new Chapter 5 "Signs" to hereafter read as follows:

CHAPTER 5

SIGNS

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5.0 PURPOSE

The purposes of this Chapter are the following:

- A. To promote the public health, safety and welfare through reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements;

- B. To fulfill the Leon Valley Vision Statement, which says in part that “The City will exhibit a distinctive, clear, physical and welcoming identity at all its boundaries and throughout the community, using aesthetically pleasing, harmonious signage”;
- C. To improve pedestrian and traffic safety;
- D. To encourage the effective use of signs as a means of communication;
- E. To maintain and enhance the City ’s ability to attract sources of economic development and growth;
- F. To minimize the possible adverse effects of signs to nearby public and private property; and
- G. To enable the fair and consistent enforcement of community standards.

This Chapter is aimed at achieving the goals, objectives, and policies enumerated in the Leon Valley Master Plan and is adopted pursuant to Chapter 216, of the Texas Local Government Code.

5.1 REVIEW AND AMENDMENT

This Chapter may be reviewed and amended by City Council as deemed necessary.

5.2 ALLOWABLE SIGNAGE

Any sign not specifically listed as being allowed herein is expressly prohibited.

5.3 ON-PREMISE SIGNS

5.3.1 GENERAL PROVISIONS

- A. Single tenant businesses shall be allowed up to a total of four (4) signs per storefront from the types of signs listed in this Section 5.3, provided that all applicable requirements have been met.
- B. Tenants of properties with four (4) or more tenants shall follow the Multi-tenant guidelines in this section.
- C. The following signs shall be allowed under the provisions of this Chapter with an approved sign permit.

5.3.2 BUILDING MOUNTED SIGNS

A. Wall Signs

1. Design

Wall signs shall not obscure windows, grillwork or pilasters of the building.

2. Location

Wall signs shall be mounted flush and fixed securely to a building wall, projecting no more than 18 inches from the face of the wall, and not extending sideways from the building face or above the roofline of a building.

3. Total Sign Area

a) The maximum total wall sign area for each building occupant may not exceed 25% of the total square footage of the exterior wall, not to exceed 200 square feet per occupancy.

b) Signs cannot be longer than 80% of the sign band length where the sign is to be located.

B. Marquee Signs

1. Design - see Leon Valley Design Guidelines.

2. Number and location

Marquee signs shall be allowed in conjunction with Wall Signs.

3. Total Sign Area

a) Marquee signs shall be allowed up to 25% of total marquee area, not to exceed 200 square feet for each occupancy.

b) Marquee signs shall not be longer than 80% of sign band length where the sign is to be located.

C. Awning Signs

1. Number and Location

a) Awnings shall permanently attached to buildings.

- b) Sign lettering and any graphics shall be comprised of no more than 80% of awning surface area.
- c) Sign Height - Minimum height of awnings shall be eight (8) feet as measured from ground level.

D. Roof Signs

1. Number and Location

- a) Roof signs shall be limited to one sign per street frontage up to three (3) signs total.
- b) Roof sign will be allowed in place of a wall sign.

2. Total Sign Area

Roof signs shall not exceed 80% of roof sign area, not to exceed 100 square feet.

3. Sign Height

No Roof sign will be permitted which extends beyond the highest point of a pitched roof, a mansard roof or a parapet line of a building.

5.3.3 FREE-STANDING SIGNS

A. Number and Location

- 1. No Free-standing on-premise sign shall be constructed within 100 feet of any existing free-standing on-premise or multi-tenant sign on the same site, or within forty (40) feet of a Free-standing or multi-tenant sign on a neighboring site.
- 2. No Free-standing sign, other than a Multi-tenant Sign, shall occupy the same frontage as a Projecting sign.
- 3. Electronic Message Centers will be allowed on Free-standing Signs, and will be included into the calculation of the area of Free-standing Signs.
- 4. One Free-standing sign shall be permitted on each street frontage, as follows:
 - a) Less than 250 ft. of frontage: one (1) sign.
 - b) 250 ft. or more of frontage: one (1) sign per 250 ft. of frontage when approved by a Master Sign Plan.

B. Total Sign Area

1. Each face of a free-standing sign may not exceed:
 - a) 50 square feet if sign pole is 32 ft tall,
 - b) 240 square feet if pole is 50 ft high,
 - c) 375 square feet if pole is 60 ft high.
2. In the case of irregularly shaped signs, refer to definition of “sign area” for method of calculation.

3. Sign Height

- a) Sign height shall be restricted to:
 - 1) 32 feet on collector roadways,
 - 2) 50 feet on arterial roadways,
 - 3) 60 feet on a state highway,
 - 4) 60 feet on expressway frontage roads.

b) Landscape Buffer

Unless an alternate method of providing traffic and pedestrian safety is approved through the Master Sign Plan each Free-standing sign shall be placed within a landscaped area extending a minimum four (4) feet from the sign in each direction. Such measurements shall begin at the sign base or at the edge of any overhang within 20 feet of the ground whichever requires the greater barrier. Xeriscaping is encouraged.

5.3.4 MULTI-TENANT SIGNS.

A. Multi-Tenant Signs shall be required as part of a Master Sign Plan for properties with four (4) or more tenants and must display the address of the multi-tenant property as per Section 7 of this code.

B. Number and Location

1. No free standing Multi-Tenant sign shall be constructed within 100 feet of any existing multi-tenant or free-standing sign on the same site, or within 40 feet of a multi-tenant or free-standing sign on a neighboring site.

2. A tenant may have one (1) building mounted sign (such as a Wall, Awning, Marquee, Projecting or Roof Sign) and one (1) identification sign on a directory sign for the shopping center.

3. Total Sign Area

a) Multi-Tenant signs shall be limited to not more than:

- 1) 250 square feet if on a 32- foot tall pole,
- 2) 500 square feet if on a 50-foot tall pole,
- 3) 650 square feet if on a 60-foot tall pole.

b) The area of each tenant's building-mounted sign shall not exceed 25% of total wall area of each occupancy, not to exceed a maximum of 200 square feet.

4. Sign Height

a). Multi-Tenant Sign height shall be restricted to:

- 1) 32 feet on collector roadways,
- 2) 50 feet on arterial roadways,
- 3) 60 feet on state highways, and
- 4) 60 feet on expressway frontage roads.

5.3.5 SUBDIVISION SIGNS

Permanent monument-style subdivision signs shall be permitted upon private property in any zone to identify planned developments and will be required to follow all applicable provisions of this Chapter.

5.3.6 REAL ESTATE SIGNS

A. On-premise signs pertaining to the sale, rental, or lease of property zoned O-1, B-1, B-2, B-3, I-1, R-3, R-3A, or R-5, not exceeding sixty-four (64) square feet in area and ten (10) feet in height from ground level and are permitted behind the property line.

B. Such signs shall be removed by the agent or owner within ten (10) business days of sale, rental, or lease of premises.

C. Each property shall be permitted not more than one (1) sign per street frontage.

D. A sign permit is required in all cases as prescribed in Section 5.6 of this Chapter.

5.4 OFF-PREMISE SIGNS

A. No permits for the construction of new Off-Premise signs will be issued after the effective date of this Chapter.

B. All existing Off-Premise signs will be permitted to remain, provided a sign is not subject to Section 5.12. Permits for repair or reconstruction of existing off-premise signs will be issued, provided that the sign does not increase in size or height and that the sign conforms with all applicable provisions of this Chapter.

C. Off-Premise sign permits issued under this section will expire annually at the end of each calendar year and must be renewed no later than thirty (30) days after the start of the new calendar year. Failure to renew Off-Premise sign permit will cause the sign to be classified as abandoned. All abandoned signs must be removed within thirty (30) days of being abandoned.

5.5 TEMPORARY ADVERTISING SIGNS

A. Permits are required for temporary signs.

B. Each business may be allowed a total of two (2) temporary signs each quarter of the year for a time period of up to thirty (30) days. The signs must be displayed simultaneously. A permit is required and must be obtained each time a sign is displayed. A seasonal business may apply for a variance to display temporary signs for up to 120 days in lieu of thirty (30) days per quarter.

C. A deposit is required for each temporary sign permit issued. Deposit will be returned at the expiration of the permit time period provided that the temporary sign has been moved within 24 hours of permit expiration.

D. Special Event Temporary signs may be allowed without a permit for a planned group of temporary signs to advertise special events on a business property. Special Event temporary signs shall be installed no earlier than Friday morning at 8:00 a.m. and shall be removed no later than 12:00 p.m. on the following Monday. If a federal holiday falls on either the Friday or Monday of that weekend, the signs may be installed and removed to include the holiday.

E. Maximum size for temporary sign banners is fifty (50) square feet for banner signs placed on the property and one hundred (100) square feet for banner signs attached to the building.

F. The following temporary signs are allowed:

1. Banners - Banners must be wall mounted or attached with temporary stakes in the ground on the property. Banners must be kept in good condition and stakes firmly anchored so as to prevent dilapidation.

2. Airborne - Hot or cold air balloons may be either attached to the building or placed behind property line. There are no size restrictions for hot or cold air balloons. Balloons shall be allowed only as a part of a Special Event Temporary Sign event and as specified. Balloons must be kept in good condition and firmly anchored so as to prevent dilapidation or from being astray.

3. Grand opening – Grand opening signs shall be allowed under this section except that such permit shall be valid for thirty (30) consecutive days and shall not be renewable. One permit will be issued for each building occupant per certificate of occupancy.

4. Street banners – Nonprofit organizations may erect street banners across collector and arterial roadways. The dimensions of the banner will not exceed 4'x36' (144 sq. feet).

5. Temporary weekend signs - Temporary weekend signs are permitted from Friday until the following Monday. Signs may not be either placed or picked up between the hours of 6:00 am to 9:00 am or from 4:00 pm to 7:00 pm.

- a) If a federally recognized holiday falls on a Friday, then the signs are permitted from the preceding Thursday to the following Monday.

- b) If a federally recognized holiday falls on a Monday, then the signs are permitted from Friday until the following Tuesday.

6. Size of the signs - Signs shall not exceed 24" by 32" inches in size. Irregular shaped signs shall fit in a 24" by 32" rectangle; the total height shall not exceed 36" in height from ground level. Signs may be two dimensional only and shall be of a non-reflective surface.

7. Spacing between signs - A minimum of five feet (5') spacing must be maintained between each temporary weekend sign of

different advertisers. The signs of each advertiser must be spaced so that no two (2) signs advertising the same good, service, product, business, political campaign, or particular piece of real property (for sale or lease) are closer than one hundred feet (100') from each other measured in a straight line.

8. Sign location - Signs must be self supporting and placed into the ground by a single stake.

a) No temporary weekend sign shall be permitted on a utility pole, street light pole, sign pole, fence, tree or other manmade or natural feature.

b) No sign may be placed closer than twenty-five feet (25') from a street intersection or median opening. Any temporary weekend sign determined to be in a location that causes an immediate hazard to public safety will be immediately removed by the city.

c) Signs shall be no closer than three feet (3') from the edge of the sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.

d) No signs shall be placed in island medians or esplanades.

e) Except for political signs, no signs shall be placed further than three (3) miles from the location of the sale of the good, product, service, business or piece of real property being advertised.

9. Registration, permit and fees - An annual permit fee, as stated in Chapter 32, "Fees", must be paid by the advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each location, subdivision location, or service location to be advertised by temporary weekend signs.

a) A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary signs permit has been first obtained.

10. Map, listing and State Department of Transportation roads, highways - In addition to the payment of the appropriate fees, the advertiser shall provide an area map, drawn to scale, and listing the street and block number where the signs shall be placed. No temporary weekend sign shall be placed along the side of any road or highway belonging to the State Department of Transportation.

5.6 SIGNS NOT ALLOWED

The following signs shall be prohibited in the City of Leon Valley:

A. Any sign constructed or located in such a manner that is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building.

B. Illegal signs or any other sign constructed after the enactment of this Chapter which is not in compliance with the terms of this Chapter.

C. Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.

D. Any sign, banner or display placed on any public right-of-way, utility pole, traffic control device, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way (other than a government sign or allowed sign as per Section 5.2).

E. Any banner, placed on stakes on a property, unless otherwise permitted.

F. Portable Signs - Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels, on skids or a truck; signs constructed as or converted to T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted or cemented to the ground, shall nonetheless be deemed to be a "portable sign."

G. Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which may hide from view any traffic or street sign or signal.

H. Snipe/Parasite signs.

I. Temporary Signage, except as permitted in section 5.5.

J. Vehicle Signs - Signs placed on or affixed to vehicles and/or trailers that are parked on a public-right of way, public property, or private property so as to be visible from a public right of way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property, shall be prohibited. However, this is not intended in any way to prohibit signs placed on or affixed to vehicles and trailers where the sign is incidental to the primary use of the vehicle or trailer and where the vehicle is being operated in the normal

course of business, is in operable condition, and carries a current and valid license plate and state inspection tag.

K. Any sign placed on a property without the permission of the property owner.

5.7 REQUIRED SIGNS

For the purposes of this Chapter, address numbers attached to the front plane of a building face and visible from the adjacent public right-of-way or private ingress/egress for the purpose of identifying the street address of the structure shall be considered a required sign. Such numbers shall be a minimum of four inches (4") in height, shall be of a color in distinct contrast to the color of the background, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress.

5.8 SIGNS EXEMPT FROM PERMIT REQUIREMENTS.

The following signs are exempt from permit requirements. In no case shall a sign be placed in a public right-of-way as per Section 5.17 C. of this Chapter.

A. Required signs.

1. Construction Signs - One construction sign per construction project, provided that such signs shall not exceed the sign area allowed for a Temporary Sign under Section 5.5. Construction signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed within ten (10) days after completion or issuance of the Certificate of Occupancy.
2. Directional or Instructional Signs - Directional Signs are designed to provide directions to pedestrian and vehicular traffic. Signs directing to entrances, exits and other non business elements of a project shall be exempt from this Chapter if they do not exceed four (4) sq. ft in area.
3. Flags - The flags, emblems or insignia of any nation, county, city, religious, logo or corporate flags.
4. Garage Sale Signs - Signs pertaining to garage sales in R-1, R-2, R-4, or R-6 zoned property, not exceeding four (4) square feet, as long as they shall be removed by the agent or owner within twenty-four (24) hours after the sale. Garage sale signs shall not be placed in the right of way.

5. Governmental Signs are exempt, provided that the sign substantially complies with the provisions of this Chapter.
6. Residential signage - House numbers, name plates and residential business signs not exceeding one (1) square foot in area for each residential building. Refer to Leon Valley Code "Chapter 30: Zoning" for more information about home occupations.
7. Interior Signs - Signs on the interior of buildings which are not visible from the exterior of the building.
8. Memorial Plaques or Building Identification Signs when cut into any masonry surface or inlaid so as to be part of the building or when constructed of other non-combustible material, provided that such signs shall not exceed two (2) square feet.
9. "No Trespassing" or "No Dumping" Signs - "No Trespassing" or "No Dumping" signs not to exceed one and one-half (1 ½) square feet in area per sign and not to exceed four (4) in number per lot, except that special permission may be obtained from the city for additional signs under proven special circumstances.
10. Political and Campaign Signs - Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are erected not earlier than sixty (60) days prior to said election and shall be removed within fifteen (15) days following said election.
11. Public Notices - Official notices posted by public officers or employees in the performance of their duties.
12. Public Utility Signs - Temporary or permanent signs erected by companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
13. Real Estate Signs - One real estate "for sale" (including lease or rental) sign (single or double face) on any lot or parcel zoned R-1, R-2, R-4, or R-6, provided such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed four (4) square feet in area, and is removed within ten (10) days after the sale rental, or lease has been consummated. One (1) additional sign, as described above, is permitted where a parcel has in excess of three hundred feet (300') of frontage or fronts on two (2) streets.
14. Permanent Menu Boards – Menu boards shall not count in the total sign area for the type of sign erected, provided that the menu

board is designed specifically for drive-thru ordering and does not exceed the sign area requirements for that sign type.

15. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

16. Works of Fine Art.

5.9 PERMITS

A. Except as otherwise provided in this code, it is unlawful for any person to erect, construct, reconstruct, change sign copy and/or sign face, enlarge, extend, expand, place or move any sign or sign structure or any portion thereof without first obtaining a sign permit for each sign.

B. The owner or tenant of a business or commercial property upon which a sign is to be placed which is zoned O-1, B-1, B-2, B-3 or I-1 or a residential district zoned R-3, R-3A, or R-5 must apply for a sign permit.

C. All applications for sign permits will be submitted to the Community Development Department for approval on a form prescribed by the City. Questions about sign regulations should be addressed to the Community Development Department. All signs which are electrically illuminated will require an electrical inspection, and all installers of such signs shall hold a State of Texas or City of San Antonio Electric License.

D. Upon submittal, the application will be reviewed for conformance with the standards of this Chapter within thirty (30) days of a complete submittal. If the application is not approved, such application will be deemed to have been administratively denied.

E. The City Manager or designee shall determine whether the proposed sign is acceptable under the conditions established in this Chapter and applicable building codes. Upon approval, the permit will be issued by the Community Development Department upon payment of appropriate fees.

F. All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this Chapter shall constitute a material factor in granting a sign(s) permit. It is unlawful for the applicant to vary from such representations unless the applicant files an amended application.

G. The primary responsibility for securing the necessary permit(s) shall rest with the property owner. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required

permits and approvals have been secured prior to any work being initiated. For the purposes of this Chapter, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this Chapter arising from violations resulting from that work.

H. Any permit may be revoked by the City Manager or designee at any time prior to the completion of the sign for which the same was issued, when it shall appear to the official that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the permit was procured by false representation, or that any provision of this Chapter is being violated. Written notice of such revocation, a stop-work order shall be served upon the owner and/or upon the owner's agent, contractor, or upon any person employed in the building or structure for which such permit was issued, which shall be posted in a prominent location, and thereafter, no such construction shall proceed.

I. All signs shall be erected within ninety (90) days of issuance of the permit; otherwise the permit shall become null and void. The applicant may request up to three (3) thirty-day (30-day) extensions with the payment of additional permit fees.

J. The Building Inspector or designated city official shall inspect the sign for which a permit has been issued. If the construction is substantially complete, but not in full compliance with this Chapter and applicable codes, the City Manager or designated city official shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and the sign shall become illegal.

K. Signs erected and maintained by the City shall not require a permit.

5.10 DESIGN, CONSTRUCTION, AND MAINTENANCE

All signs shall be designed, constructed and maintained in accordance with the following standards:

A. All signs shall comply with applicable provisions of the International Building Code and the National Electrical Code versions as currently adopted by the City.

B. Except for flags and temporary signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All signs and sign supports shall be maintained in good condition. Broken or missing panels, missing letters, rust, flaking and peeling paint, significant fading, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead or damaged landscaping associated with the sign shall be replaced within thirty (30) days of notification by the Code Enforcement Officer.

5.11 MASTER SIGN PLAN

A. Purpose - The Master Sign Plan is the device employed by the City to respond to the special signage needs of proposed or existing non-residential uses. The Master Sign Plan is recommended for projects on large sites and/or with many separate businesses represented, where opportunities for effective signage other than as specified in this Chapter increase. The Master Sign Plan provides an opportunity to reduce sign clutter while allowing businesses to more effectively advertise goods and services. The goal of the Master Sign Plan is to address the community's need for attractive, proportional graphics and ensure an appropriate balance between architecture, signage and neighborhood interests.

B. A Master Sign Plan is recommended, but not required, at such time as the owner of one of the following uses applies for a new sign permit:

1. A non-residential development having a single tenant with 30,000 or more sq. ft.
2. Non-residential developments with four (4) or more non-residential occupants.
3. Non-residential development on sites of five (5) acres or more.
4. Non-residential development on property which has more than 300 feet of continuous street frontage on a public street.

C. The following information is required for submission of a Master Sign Plan:

1. An accurate plot plan of the site to scale. The plan shall show location of buildings, easements, driveways, utilities, lighting, parking spaces, required landscaping and an accurate indication on the plot plan of the proposed location of each present and proposed sign of any type, including temporary signage, whether requiring a permit or not.
2. Computation of the sign area, height, type and number of signs.

3. A narrative description of any other information necessary to show how the project meets the Master Sign Plan criteria.

D. The City Manager or designee will review the Master Sign Plan application within thirty (30) days of complete submittal. Master Sign Plans shall then be reviewed by the Zoning and Land Use Commission at their earliest regularly scheduled meeting following the completion of staff review.

E. Master Sign Plans shall require approval by the City Council and shall be adopted by ordinance.

F. The Zoning and Land Use Commission and City Council shall consider the following criteria when evaluating Master Sign Plans:

1. Implementation will provide signage compatible with the surrounding development; and
2. Implementation will result in architecture and graphics of a scale appropriate for the surrounding neighborhood; and
3. Implementation will provide signage consistent with the architecture and site plan characteristics of the proposed development; and
4. Implementation of the Master Sign Plan will result in a substantial reduction in the number and area of Free-standing signs and general sign clutter associated with the project as compared to strict compliance with this Chapter; and
5. The proposed Master Sign Plan does not pose a threat to the public safety; and
6. The Master Sign Plan application is submitted in compliance with this Section 5.11 and not in order to circumvent the variance procedures set out in Section 5.14; and
7. Approval of the Master Sign Plan does not cause the circumvention of either the spirit or intent of these sign regulations.

G. Applicants for Master Sign Plans may request a variance to the requirements of this Chapter as part of the Master Sign Plan application without paying an additional fee. In addition to the provisions contained in Section 5.11, the City Council may grant a variance based on the following findings:

1. That there are circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by

other property of the same zoning classification; and that this variance will not be a grant of special privilege to the applicant; and

2. That it is also found:

a) That because of physical circumstances such as size, shape or topography, the visibility of signage is substantially impaired;

b) That the conditions creating the need for a variance were not self-imposed;

c) That there will be no adverse affect to surrounding property from the granting of this variance;

d) That the amount of variance is the minimum needed to afford relief; and

e) That the applicant complies with any special requirements imposed as condition of granting the variance.

3. Any business granted a variance under the Master Sign Plan must demonstrate a plan to bring non-conforming signs into compliance, and the Master Sign Plan must provide benchmarks for incremental progress.

H. Amendment – A Master Sign Plan may be amended by filing a new master sign plan that conforms with all requirements of the Chapter then in effect.

5.12 NONCONFORMING SIGNS

A. Notification of nonconformity - Signs lawfully existing prior to enactment of this Chapter which do not conform to the requirements of this Code will be determined to be nonconforming. Upon determination that a sign is nonconforming, the Code Enforcement Officer will notify in writing the user or owner of the property on which the sign is located of the following:

1. The sign's nonconformity; and

2. Whether the sign is eligible for characterization either as nonconforming or illegal. Notification procedures pertaining to code violations as adopted in Section 14.105 of the Leon Valley Code will apply.

B. Owners of signs determined to be non-conforming shall have thirty (30) days from receipt of notification of a sign's non-conformance to appeal the determination per Section 5.14 of this Chapter.

C. Any existing non-conforming sign, may continue to be maintained and used, subject to the following provisions:

1. Enlargement - No non-conforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date this Chapter was enacted.

2. Relocation - Non-conforming signs shall not be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of enactment of this Chapter. Any non-conforming sign that is removed from its original location may not be reinstated at any other location within the City unless it conforms with all of the requirements of this Chapter.

3. Discontinuance

- a) If the business, service, product, or person advertised or identified by a legally non-conforming, on-premise sign ceases to be conducted at that site-all signs shall be brought into conformity with this Chapter or shall be removed prior to issuance of a Certificate of Occupancy for any new business, service, product or person.

- b) The "Discontinuance" provisions shall not trigger the conformance of multi-tenant sign structures. Existing non-conforming multi-tenant signs shall be allowed to maintain their non-conforming status, provided that signage is maintained per this Chapter and provided that sign panels pertaining to former tenants shall be removed and replaced with blank panels.

4. Abandonment

- a) If the business, service, product, or person advertised or identified by a legally non-conforming on-premise sign ceases to be conducted at that site, the non-conforming sign shall be classified as an abandoned sign. All abandoned signs must be removed within thirty (30) days of being abandoned.

5. Destruction - Should any non-conforming sign be damaged by any means to an extent of more than sixty percent (60%) of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this Chapter.

D. Maintenance

Nothing in this section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the non-conforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs, contained in this code, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more non-conforming.

5.11 ABATEMENT OF ILLEGAL AND UNSAFE SIGNS

A. A sign which has been determined to be unsafe by the City must be repaired, made safe or removed immediately or within ten (10) working days after receipt of notice from the City, at the discretion of the designated City official. Failure to make such repairs or remove the sign is unlawful.

B. If the property owner or lessee fails to comply with such written notice to remove, the Code Enforcement Officer, is hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this Section, the word remove shall mean:

1. The sign face along with the posts, columns or supports of free standing signs, shall be taken down and removed from the property.
2. The sign face and supporting structures of the projecting, roof, or wall signs shall be taken down and removed from the property.

C. Any existing sign not specifically listed as being allowed herein or classified as nonconforming is expressly prohibited and shall be illegal. Illegal signs must be removed not later than ten (10) days following notification by the City Manager or designee.

5.13 VARIANCES AND APPEALS

A. Persons wishing to erect signs not in conformance with this Chapter or any person aggrieved by any decision of the City in the administration of this Chapter may appeal such decision to the City Council. The City Council shall only hear and decide the following:

1. An appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter, or

2. A request for variance(s) from the strict enforcement of the requirements of this Chapter due to special conditions wherein a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of this Chapter is observed and substantial justice is done.

B. The application must be accompanied by a drawing or other artistic representation to accurate scale showing the exact sign proposed, its size and message (textural or pictorial), color, shape, whether lighted or unlighted, location on said property or business, materials of which it is to be made, how it is to be made and how it is to be fastened. Granting of the variance requires approval from the designated City official(s), who shall determine whether the proposed sign is acceptable under the conditions established in this Chapter and applicable building codes. Upon approval from the designated City official(s), the variance request will be heard by the City Council.

C. The City Manager or designee is authorized to approve a variance to three specific types of regulations in this Chapter: sign area, sign height, and distance between signs. This authorization shall be restricted to variance of one (1) of type of regulation not to exceed 10% of the specified dimension for one (1) existing nonconforming sign per platted property. This staff variance provision does not apply to any of the properties required to file a Master Sign Plan.

5.14 DEFINITIONS

A. For the purposes of this Chapter, the following definitions shall apply:

1. Abandoned Sign - A sign which no longer correctly directs or instructs any person, advertises a bona fide business, service, product, or person on the premises where the sign is displayed. If the business, service, product, or person advertised or identified by an on-site sign ceases to be conducted at that site without being replaced by a new business, service, product, or person, the non-conforming sign shall be classified an abandoned sign.

2. Advertising Flag - Any commercial flag designed for or having the effect of attracting attention, promotion or advertising.

3. A-Frame Sign - Any two-sided, self-supporting portable sign.

4. Airborne Sign - A sign on a balloon or inflatable sign.

5. Anchor Tenant - The major store or stores in a shopping center. Anchor tenants are in excess of 100 business front feet and have a minimum area of 10,000 square feet.

6. Animated Sign - Any sign which includes action or motion.
7. Awning Sign - A sign composed of cloth or canvas supported by a rigid or metal framework attached to and extending from an exterior wall or any other portion of a building.
8. Banner - A temporary sign made of fabric, plastic, paper, or other light, pliable or non-rigid material, not enclosed in a rigid frame (not including a “fabric sign” as defined herein).
9. Beacon - Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.
10. Billboard - See “Off-Premise Sign”.
11. Building Face or Wall - A window and wall area of a building in one (1) plane or elevation.
12. Building Code – The International Building Code and the National Electric Code being whichever edition adopted or as changed by City Council periodically.
13. Canopy/Tent – A roof-like covering that is temporary or portable in nature and which does not project over a window, building entrance, or walkway.
14. Changeable Copy Sign - A sign on which copy is changed manually, such as reader boards with changeable letters or changeable pictorial panels.
15. Charitable Project or Benefit - Proceeds must be for a qualified 501 C entity pursuant to the Internal Revenue Code.
16. Commercial Message - Any sign wording, logo or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.
17. Conforming Sign - Signs built and maintained in accordance with the terms of this Chapter.
18. Construction Sign - A sign located on a site which announces and identifies a construction project which has been scheduled or is underway.
19. Copy - The wording or graphics on a sign surface.

20. Directional Sign - Signs used to indicate the direction to entrances, exits, parking areas, restrooms, or other related facilities on the site on which the sign is located.

21. Directory Sign – A sign which gives the names of the businesses or individuals located in the building or complex where it is located. A directory sign shall be of unified and common material, and shall allow for a uniform size sign for each business or unit of space in the development.

22. Display Surface – The area made available by the sign structure for the purpose of displaying the advertising message.

23. Double-Faced Sign - Any sign having two faces which are no more than 12 inches apart at their closest point, and which describe in internal angle between face planes extended no more than 30 degrees.

24. Electric Sign - Any sign containing electrical wiring, but not including illumination by an exterior light source.

25. Electronic Message Board – A sign on which the copy/advertising changes automatically on a lampbank or through mechanical means.

26. Erected - Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs.

27. Fabric Sign - A sign made of fabric or other non-rigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

28. Facade - The front or main part of a building facing a street.

29. Face of Sign - The entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction.

30. Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion or intermittent or flashing light by means of animation or an extremely mounted intermittent light source.

31. Flag – A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporation or other similar entity.

32. Freestanding Sign - Any sign which is not attached to or on the walls, face or exterior of the building. Also see “Pole sign”.

33. Frontage - Total footage measured along the public right of way where the subject property abuts said right of way
34. Government Signs - Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty. This includes signs erected and maintained by the City. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.
35. Grand Opening - The initial opening of a new business.
36. Ground Level - The immediate surrounding grade.
37. Height of Sign - The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.
38. High Rise Building - A structure of more than six (6) stories in height.
39. Illegal Sign - Any sign not legally permitted prior to or after the adoption of this Chapter.
40. Illuminated Sign - Any sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.
41. Indirect Lighting - A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.
42. Instructional Sign is a sign conveying non-advertising information relating to the use of the premises, including such signs as "No Parking", "No Trespassing", and "No Skateboarding".
43. Internally Illuminated Sign – A sign which uses artificial light from behind the sign face to increase its visibility.
44. Logo - A letter, character, or symbol used to represent a person, corporation or business enterprise.
45. Lot - A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or

it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

46. Marquee - Any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

47. Master Sign Plan – The Master Sign Plan is the device employed by City Council to ensure an appropriate balance between architecture, signage and neighborhood aesthetics. As projects grow in size, opportunities for effective signage other than as specified in the Sign Guidelines and ordinances increase. By reducing clutter effective Master Sign Plans allow businesses to more readily offer goods and services. Master Sign Plans address the community's need for attractive unobtrusive architecture and commercial graphics. Master Sign plans are recommended for certain businesses. Refer to "Leon Valley Sign Guidelines" for additional information.

48. Menu Board – A sign placed so as to be viewed from a drive-through lane and containing a listing of products and prices offered by the business. A menu board may include a mechanism for ordering products while viewing the sign.

49. Monument Sign – A ground-mounted sign with a low overall height.

50. Multi-Tenant Sign - A sign which consists of a composite of four (4) or more individual signs identifying the businesses located in a commercial or office complex.

51. Noncombustible

a) As applied to building construction material, means a material which, in the form in which it is used, is either one of the following:

i) Material of which no part will ignite and burn when subjected to fire. Any material conforming to Uniform Building Code Standards for non-combustible materials shall be considered noncombustible within the meaning of this section.

ii) Material having a structural base of noncombustible material as defined in (i) above, with

a surfacing material not over 1/8 inch thick which has a flame-spread rating of fifty (50) or less.

b) "Noncombustible" does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to (1) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture, or other atmospheric condition.

c) Flame-spread rating as used herein refers to rating obtained according to tests conducted as specified in UBC Standards.

52. Non-Conforming - A sign lawfully existing on the effective date of the adoption of this Chapter which is not in conformance with the revised standards and regulations of this Chapter and/or could not be built under the terms of this Chapter.

53. Official Sign - Any sign erected by or at the direction of any governmental body.

54. Off-Premise Sign - A sign displaying advertising copy that pertains to a business, person, or activity, event, place, service or product not principally located or primarily manufactured or sold on the premises where the sign is located.

55. On-Premise Sign - Signs that identify or advertise only goods, services, facilities, events or attractions available on the premises where the sign is located.

56. Outparcel/Pad Site - Lots platted or leased along the periphery of a shopping center project which are intended to be occupied by a single user. Typically, such lots are less than two (2) acres in area; are subordinate in size to the parcel which contains a multi-tenant shopping center building; and share access, utilities, drainage, parking and open space with the parcel containing the anchor tenant.

57. Owner - A person recorded as such on official records and including duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

58. Painted Wall Sign - A sign painted on any outside wall or roof of any building.

59. Parapet - The extension of the main walls of a building above the roof level.

60. Pennant – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

61. Permanent Sign – A sign structure which is intended to remain indefinitely.

62. Person - Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

63. Pole Sign - Any sign supported by poles, uprights, or braces, which are not concealed in an enclosed base, but are permanently placed on or in the ground and wholly independent of any building for support, either single or double faced; a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground

64. Political Sign - Any sign which is designated to influence the action of voters for the passage or defeat of a measure or candidate appearing in the ballot in connection with any national, state or local election.

65. Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; portable menu board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

66. Premises - The lot or lots, plots, portions or parcels of land considered a unit for a single development or activity.

67. Projecting Sign – A sign mounted to the face of the building perpendicular to the face of the building, and extending more than twelve inches (12") from the wall surface.

68. Pylon Sign - A free-standing sign with visible support structures or with a support structure with a pole cover or pylon cover.

69. Real Estate Sign - A temporary sign designating that the premises upon which it is erected is for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

70. Reflective Surface - any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

71. Required Signs - Any sign required by law for the protection of the general health, safety and welfare of the public.

72. Residential Sign – Any sign located in a district zoned for residential use(s) that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

73. Roadways

a) Collector Roadway – A street which primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

b) Arterial Roadway – A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

c) Expressway Frontage Road – A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

d) State Highway - any highway owned by the State of Texas.

74. Roof Line - The highest point of the coping on a flat roof, false mansard, or parapet wall; the deckline of a true mansard roof; the ridgeline between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

75. Roof Sign – Any sign erected on or over the roof of a building.

76. Shall/Will/May – Shall/will is mandatory. May is permissive.

77. Sign - Any device, fixture, display, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, attract attention to, or identify

the purpose of a person or entity, or to communicate information and/or a message_of any kind to the public.

78. Sign Area –

a) The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or a regular geometric shape of up to eight sides that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

b) In every event, computation of allowable sign area includes all existing signs on the premises, whether those signs are conforming or nonconforming.

79. Sign Structure - The sign and all parts associated with its construction.

80. Snipe/Parasite Sign - a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or two other objects, and whose message is not associated with the premises upon which such sign is located; any temporary sign which is attached to another sign.

81. Storefront - The side of a building that has display windows or a public entrance.

82. Structure - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

83. Subdivision Identification/Permanent Multi-Family Sign - A sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

84. Suspended Sign – A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

85. Temporary Sign - Any sign, banner, valance or commercial display constructed of cloth, canvas, light fabric, cardboard,

wallboard, or other light materials, with or without frames and not permanently mounted.

86. Traffic Control Sign - A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

87. Vertical dimension – The height of the sign area/lettering.

88. Wall Sign - Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

89. Window Sign - Any sign painted, drawn, or otherwise affixed to either the inside or outside of an exterior window or glass door of a commercial or office building.

90. Works of Fine Art – this Chapter shall not apply to a sculpture, fountain or similar work of fine art, which in no way identify or advertise a product or business.

5.16 FEES

Fees are as stated in Chapter 32 “Schedule of Fees”.

5.17 PENALTY, OTHER REMEDIES FOR VIOLATIONS.

A. Violations of any provision of this Chapter by action of omission or commission shall be punishable by a fine in an amount not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00) for each violation. Each day of violation under this Chapter shall be a separate violation.

B. In addition to the criminal penalties prescribed by this section, City Council may direct the City Attorney to institute civil action or proceedings to prevent violations or threaten violations of these regulations or to obtain civil damages or penalties against violators of these regulations.

C. Signs in Right-of-Way

1. In addition to the penalties prescribe in subsections a. and b. immediately above, the code enforcement officer, or his designee, shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this Chapter, if the same is

located on, in, or above any public street, right-of-way or sidewalk area, or other public property.

2. The cost of any such removal or impoundment shall be chargeable to the person or persons, jointly or severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties.

3. Any item impounded by authority of this section shall be held for period of 30 days and then disposed of in any manner designated by the Code Enforcement Officer. During the 30 days, the owner of such item, upon proof of same, may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than \$25.00.

5.18 SEVERABILITY

Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Chapter, or any appendix thereof, for any reason be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provisions herein continue to be held unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective. Any provision, sentence, clause, or phrase of any ordinance currently in effect in the City of Leon Valley found to be in conflict with any provision, sentence, clause, or phrase of this Chapter is hereby deemed to be, and shall be, superceded by this Chapter insofar as same is in conflict herewith.

2. This ordinance shall take effect immediately upon its approval, passage and the meeting of all publication requirements under law.

PASSED and **APPROVED** this the 5th day of September, 2006.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney